
Manitoba



Annual Report 1999 - 2000

Seizure and Impoundment Registry



Includes 10% post-consumer waste



100-06445/

**MINISTER OF JUSTICE
ATTORNEY GENERAL**

Room 104
Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

The Honourable Peter M. Liba, C.M.
Lieutenant-Governor of Manitoba

MAY IT PLEASE YOUR HONOUR:

It is my privilege to present, for the information of Your Honour, the Annual Report of the Seizure and Impoundment Registry for the year ending March 31, 2000.

Respectfully submitted,

Honourable Gord Mackintosh
Minister of Justice
Attorney General



*Our Past. Our Future. Our Celebration.
Notre passé. Notre avenir. Notre fête.*



**Deputy Minister of Justice
and Deputy Attorney General**

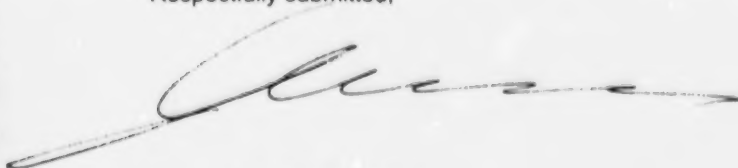
Room 110
Legislative Building
Winnipeg MB R3C 0V8

Honourable Gord Mackintosh
Minister of Justice
Attorney General of Manitoba
Room 104 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Sir:

I submit for your approval the Annual Report of the Seizure and Impoundment Registry for the year ending March 31, 2000.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Bruce A. MacFarlane', with a long, sweeping horizontal stroke extending to the right.

Bruce A. MacFarlane, Q.C.
Deputy Minister of Justice and
Deputy Attorney General



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Introduction

In November 1989, the Government of Manitoba enacted legislation to reduce the negative social impacts associated with impaired and suspended drivers.

Under this legislation, peace officers were given expanded powers to seize and impound a motor vehicle when they had reason to believe it was being operated by a person who was suspended, disqualified or otherwise prohibited from driving in Manitoba.

Since November 1989, the Vehicle Impoundment Program has expanded in two ways:

- a) the current vehicle impoundment sanctions for driving while disqualified were extended to include alcohol related offences and as well, amendments were introduced to extend the impoundment sanctions to the operators of off-road vehicles.
- b) in an effort to address crime in Manitoba, the Government introduced measures that can result in the forfeiture of vehicles where an offender is convicted of a prostitution-related offence.

The Seizure and Impoundment Registry is the control area where the status of each vehicle seized in the Province of Manitoba is recorded. Records maintained by the Registry include the name of the driver, the owner, the police agency, and the location of each seizure. As well, statistics are kept as to the number of hearings conducted by justices, all claims that the owner or garage keeper has applied for and the number of wrongful seizures. The Registry also keeps in continuous contact with any garage keeper that stores a vehicle impounded under this legislation.

PROGRAM SUMMARY

a) Suspension and Alcohol-Related Seizures

In November 1989, legislation was introduced to allow a peace officer to seize, impound and take a motor vehicle into the custody of the law for 30 days, if it is being operated while the driver is suspended or prohibited from driving.

In December of 1991, new legislation was enacted to extend the impoundment period for an additional 30 days for a subsequent offence within a two year period.

On September 1, 1997, the legislation was amended to include the following changes:

- The extension of the impoundment period on repeat offenders increased from 60 to 90 days;
- The Administration fee increased from \$50.00 to \$75.00; and
- The fee for an Application to a Justice for a Revocation Hearing increased from \$35.00 to \$100.00.

On December 1, 1999 new legislation was enacted to allow for a peace officer to seize a motor vehicle if it is being operated while the driver has a blood alcohol level over .08 or if the driver refuses to provide a breath sample.

This new legislation also introduced the inclusion of an off-road vehicle in the definition of a motor vehicle, for the purpose of the impoundment legislation. This allows a peace officer to seize and impound an off-road vehicle if the driver is operating the vehicle suspended or prohibited, or while his or her blood alcohol level is over .08 or if he or she refuses to provide a breath sample.

An owner has the right to apply to a justice for a hearing to revoke the impoundment of his or her vehicle. The impoundment may be revoked if the justice is satisfied that:

- a) the owner could not reasonably have been expected to know that the person driving the motor vehicle:
 - was suspended or prohibited from driving;
 - would operate or have care or control of a vehicle while their blood level was over .08;
 - would fail or refuse to provide a breath sample.

OR

- b) the owner did not know that he or she was suspended or prohibited from driving.

The designate of the Minister of Justice may release the motor vehicle if he or she is satisfied that the vehicle has been wrongfully seized and impounded or if the vehicle was reported stolen at the time of the impoundment.

This legislation also gives the designate of the Minister of Justice the authority to transfer the ownership of any vehicle to the garage keeper who stores it, if the vehicle remains unclaimed after 90 days from the date of seizure and if the value of the vehicle is less than the amount owing to the garage keeper.

Upon completion of the impoundment period, the owner of the vehicle is liable for all costs related to the impoundment of the vehicle, including the costs of towing, storage and the \$75 administration fee levied to offset the provincial cost to administer the program. On average, the total cost to the owner to have his or her vehicle released is approximately \$275 after completion of the 30 day impoundment period.

Under Section 242.1(12) of The Highway Traffic Act, the owner of the motor vehicle may seek to recover any costs from the person who was the driver at the time the motor vehicle was seized.

b) Prostitution-Related Seizures

In March 1999, legislation was introduced to authorize a peace officer to seize, impound and take a motor vehicle into the custody of the law if it is being operated in the course of committing a prostitution-related offence under the Criminal Code.

If an owner is convicted of the offence, the vehicle is forfeited to the Province of Manitoba with the net proceeds from the sale of the vehicle being used to assist groups or organizations that support or deliver programs to reduce the occurrence of prostitution-related offences.

If the driver, who is not the owner, of a seized vehicle is eligible for a program of alternative measures, the vehicle can be released subject to payment of the appropriate costs and charges.

The owner, who is not the driver, has the right to apply to a justice for a hearing to revoke the impoundment of his or her vehicle. The justice may revoke the impoundment if he or she is satisfied that the owner could not reasonably have known that the vehicle was being operated in the course of committing a prostitution-related offence.

If an owner is charged with a prostitution-related offence, he or she may apply to the designated person for the release of the vehicle on deposit of a sum of money or security for money equal to the value of the vehicle. If the owner is convicted of the charge, the deposit is forfeited to the Province of Manitoba. If the owner is not convicted of the charge, the deposit is returned.

IMPOUNDMENT PROGRAM RESULTS

a) Suspension and Alcohol-Related Seizures

During the reporting period for 1999-2000, 2,390 vehicles were impounded, as compared to 1,679 vehicles impounded during the same period in 1998-1999. This represents an increase of 711 seizures or 29.8% of the total number of vehicles seized from this year to last year. Of the 2,390 vehicles seized, 31 were off-road vehicles that were seized as a result of a suspension or alcohol-related offence.

In 1999-2000, 496 owners applied for a revocation hearing and 408 or 82.3% successfully had their impoundments revoked before the expiration of the 30 day period. Of the total seizures in 1999-2000, 17.1% were revoked, whereas 3.7% of the total seizures were ordered to be continued. Pursuant to Section 242.1(4) of The Highway Traffic Act, at present there are 54 Justices appointed by the Chief Judge of the Provincial Court of Manitoba, enabling them to conduct impoundment hearings.

Of the 20,930 vehicles that have been impounded to date, the Registry has transferred 829 to various garage keepers within the province. There are currently 140 garage keepers registered with the Vehicle Impoundment Program, with approximately 85 participating on a monthly basis.

b) Prostitution-Related Seizures

During the reporting period for 1999-2000, starting March 1999, 86 vehicles were impounded. Of these seized vehicles, 77 or 89.5% were released as a result of the driver being eligible for the alternative measures program, while 6 of the owners applied to a justice and were successful in having the impoundment revoked.

During this reporting period, there was one vehicle that was forfeited to the Province of Manitoba. This vehicle was auctioned and the net proceeds will be used to assist groups or organizations that support or deliver programs to reduce the occurrence of prostitution-related offences.

TABLES AND SUPPORTING CHARTS

a) Suspension and Alcohol-Related Seizures

A summary of results for the 1999-2000 reporting period is provided in Tables 1 to 7 and Chart 1 attached to this report. The data contained in this report is based on information forwarded by various police agencies, court offices, garage keepers and Justices throughout the Province.

Reported numbers from previous years may vary from previously issued reports as the data is continually updated with information that may be received from the various agencies after the reporting date.

Table 1**Monthly Statistics for the fiscal year ending March 31, 2000**

Month	Total Vehicles Seized	Vehicles Claimed		Vehicles Disposed / Unclaimed	
April 1999	117	95	81%	22	19%
May 1999	144	126	88%	18	13%
June 1999	136	120	88%	16	12%
July 1999	143	118	83%	25	17%
August 1999	159	129	81%	30	19%
September 1999	141	121	86%	20	14%
October 1999	135	100	74%	35	26%
November 1999	139	109	78%	30	22%
December 1999	306	243	79%	63	21%
January 2000	337	254	75%	83	25%
February 2000	319	220	69%	99	31%
March 2000	314	71	23%	243	77%
Total Vehicles Seized	2390	1706	71%	684	29%

Table 2**Status of Vehicles Seized**

Vehicles Claimed		1706
Vehicles Transferred		33
Vehicles Auctioned		54
Vehicles Released		73
Vehicles Unclaimed		
60 days & under	336	
61 to 90 days	75	
91 days & over	113	524
Total Number Vehicles Seized		2390

Table 3**Age Analysis**

This table represents data for the fiscal year April 1, 1999 to March 31, 2000.

Age of Driver	April 1, 1999 to March 31, 2000	
16 to 20	376	15.73%
21 to 25	510	21.34%
26 to 30	385	16.11%
31 to 35	310	12.97%
36 to 40	287	12.01%
41 to 45	220	9.21%
46 to 50	113	4.73%
51 to 55	81	3.39%
56 to 60	42	1.76%
61 to 65	20	0.84%
66 to 70	24	1.00%
71 to 75	12	0.50%
76 to 80	5	0.21%
81 plus	5	0.21%
	2390	100.00%

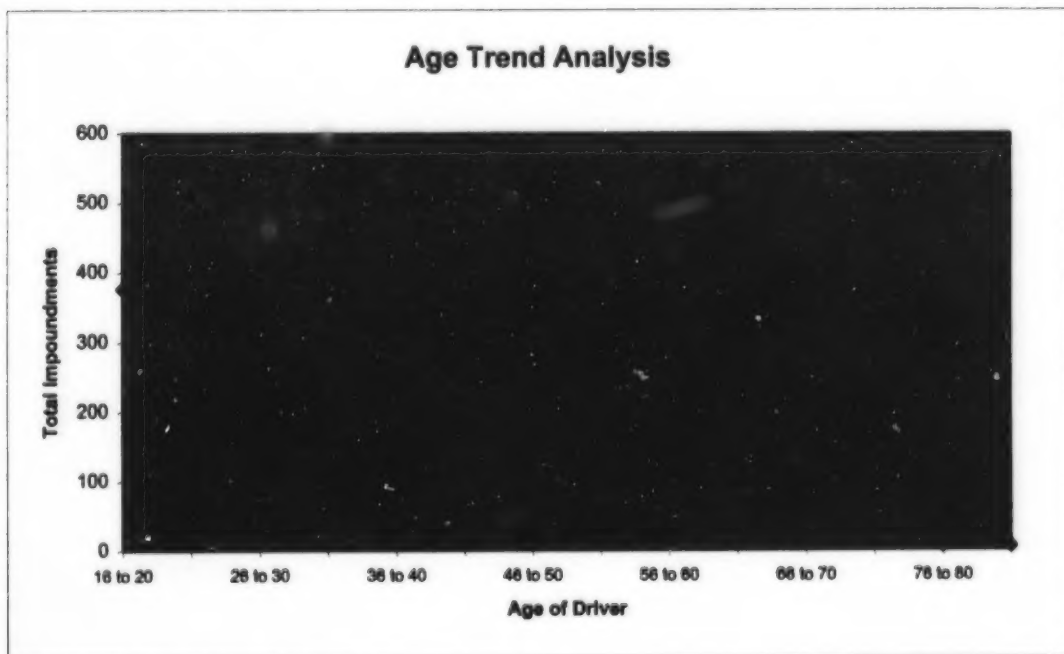
Chart 1

Table 4**Seizures and Applications for Orders of a Justice under
Section 242.1 (4) of The Highway Traffic Act**

(A hearing for the revocation of an impoundment of a motor vehicle)

1999 - 2000	Seizures		Applications to Revoke (% - total seizures)	
Winnipeg	1286	54%	334	26%
Regional	1104	46%	162	15%
Total Provincial	2390	100%	496	21%

**Revocation Orders
Winnipeg / Regional**

Applications to Revoke	Total Revocation Applications	Revoked		Continued	
Winnipeg	334	263	79%	71	21%
Regional	162	145	90%	17	10%
Total Provincial	496	408	82%	88	18%

The total number of hearings held represents 21% of the total seizures for the reporting period.
Successful revocations represents 82% of all hearings.

Table 5**Extension of Vehicle Impoundment for Repeat Offenders
Section 242.1(7.1) of the Highway Traffic Act**

Month	Extensions Issued	Extensions Completed	Impoundment Revocations
April 1999	19	18	1
May 1999	20	18	2
June 1999	22	20	2
July 1999	23	23	0
August 1999	26	23	3
September 1999	23	20	3
October 1999	16	15	1
November 1999	17	14	3
December 1999	18	18	0
January 2000	24	23	1
February 2000	19	16	3
March 2000	28	26	2
Total	255	234	21

On December 1, 1991, legislation was proclaimed to extend the impoundment period from 30 to 60 days for repeat owners with more than one occurrence within a two-year period.

On September 1, 1997, the legislation was amended to increase the impoundment period for repeat owners from 60 to 90 days.

Out of the total vehicles seized in the 1999-2000 fiscal year, 10.7% were impounded for an additional period under this section of The Highway Traffic Act. In this fiscal year, the number of extensions issued has increased by 15% or 33 seizures as compared to the previous fiscal year.

Note: Since proclamation of this legislation, a total of 2,323 extensions were issued from the Impoundment Registry. This figure represents 14.3% of the 16,242 seizures issued over the period of the extension legislation.

Table 6**Number of Offenders - Repeat Owners**

This table represents the number of owners who have had a vehicle seized and impounded on two or more occasions from April 1, 1998 to March 31, 2000. Pursuant to Section 242.1(7.1) of The Highway Traffic Act, the data contained in this table is based on information recorded over a 24-month period ending March 31, 2000. This data includes repeat owners who were either the driver of the vehicle or who had, on more than one occasion, allowed their vehicle to be operated by a different driver.

Owners	Number Of Offenders	Number of Vehicles Involved	Vehicles Driven by Owner	Vehicles Driven by Another
2x repeaters	281	562	294	268
3x repeaters	44	132	75	57
4x repeaters	8	32	23	9
5x repeaters	1	5	5	0
6x repeaters	0	0	0	0
7x repeaters	1	7	0	7
Total	335	738	397	341

Note: As the legislation was intended to focus on the owner of the vehicle as the responsible party, the analysis concentrates on repeat owner statistics. During the same reporting period 1028 vehicles were seized in which the driver of the vehicle had been involved in a previous impoundment either as the owner of a seized vehicle or as the driver of a vehicle owned by another party.

Repeat drivers account for 25.3% of all seizures over the 24-month period.

Repeat owners account for 18.1% of all seizures over the 24-month period.

Table 7**Financial Report**

** This report includes revenue received from vehicles seized as a result of suspension and alcohol-related offences, as well as prostitution-related offences.

Revenue	April 1, 1999 to March 31, 2000	
Provincial Fees Collected: Suspension/Alcohol-Related Offences Prostitution-Related Offences	\$123,247.50 \$4,875.00	\$128,122.50
Claims / Refund Suspension/Alcohol-Related Offences - Provincial fees refunded - Claims settled for direct costs	 (\$150.00) (\$332.05)	
		(\$482.05)
Net Revenue		\$127,640.45